Review Conference of States Parties to the Convention on Cluster Munitions

23 June 2015

English only

Second Preparatory Meeting for the First Review Conference
Geneva, 24 June 2015
Item 5 of the provisional agenda
Exchange of views on the draft Dubrovnik Action Plan

Draft Dubrovnik Action Plan[1]

Submitted by the President-designate of the First Review Conference

Introduction

1. In 2010, at the first Meeting of States Parties[2] in Vientiane, Lao People's Democratic Republic, the Vientiane Action Plan (VAP) was adopted by the States parties to the Convention on Cluster Munitions (CCM). Developed in consultation with partners with the objective to ensure effective and timely implementation of the provisions of the treaty following the First Meeting of States Parties, the Action Plan set out concrete and measurable steps, actions and targets aimed to be completed within specific time frames over the next five-year period and with defined roles and responsibilities.

2. Drawing from the provisions of the Convention, the actions contained in the VAP were not in themselves normative requirements, but designed to gather momentum, guide and assist States parties and other relevant actors in the practical implementation of the Convention. It was argued that with such guidance States parties, together with partners, could ensure that the Convention would have an immediate impact on the ground, address current implementation challenges, react to future developments, and reflect changes in the implementation work. As such, the overall aim of the Action Plan was to support States parties in meeting their obligations. With the adoption of the Vientiane Action Plan, States parties sent a strong message on their commitment to the rapid implementation of the Convention.

3. With the objective to facilitate the preparatory process in advance of the First Review Conference of the Convention on Cluster Munitions, Costa Rica in its capacity as President of the Fifth Meeting of States Parties initiated the Vientiane Action Plan Review

[1] Please note that the document below does not necessarily reflect any changes and or updates since 12 June, such as those raised during intersessional meetings of the CCM on 22-23 June

[2] Final document, section IV, para. 21, CCM/MSP/2010/5.

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in close cooperation with co-coordinators [3] and with the support of the interim Implementation Support Unit at UNDP.

4. The Vientiane Action Plan Review[4] has no legal standing in the process but serves as a means to gauge the status of practical implementation of the Convention and thereby also as an opportunity to document to what extent the Convention has made a difference on the ground. As such it was seen as a useful contribution to the formal review of the status and operation of the Convention 2010-2015 and in guiding the necessary content for a new five-year action plan.

5. To this end, building on the Vientiane Action Plan and the recommendations of the Review (CCM/CONF/2015/PM.1/WP.6 to WP.15), the draft Dubrovnik Action Plan seeks to carry the aim forward into the second five-year period in the life of the Convention, to ensure effective implementation of the provisions of the CCM from the First to the Second Review Conference of the CCM.

6. Elaborated under the guidance of the President-designate of the First Review Conference, the draft Dubrovnik Action Plan is gradually now taking form. Under the capable lead of thematic coordinators and with support from the interim Implementation Support Unit at UNDP, Working Groups of Experts consisting of partners in the United Nations, the International Committee of the Red Cross and the Cluster Munition Coalition as well as other stakeholders have met to discuss, further refine and operationalize the recommendations of the Vientiane Action Plan Review.

7. Guided by these discussions and the expressed desire among States parties to even further strengthen the results orientation by operationalizing actions, with targets aimed to be completed within specific time frames over the next five-year period, and with defined roles and responsibilities, coordinators have elaborated a first draft for discussion. In doing so, coordinators again wish to emphasize that despite what may appear more promptly as a multi-year results framework with goals, targets and indicators, the actions contained in the draft Dubrovnik Action Plan are not in themselves normative requirements, but designed to gather momentum, guide and assist States parties and other relevant actors in the practical implementation of the Convention. The aim of the Action Plan remains the same: to support States parties in meeting their obligations. Building on the many achievements to date and with the adoption of the Dubrovnik Action Plan, States parties will reaffirm the strong message on their commitment to the rapid implementation of the Convention.

8. The Action Plan in its current draft form is both a priority list for States parties and other implementation actors, and a tool to monitor progress. Substantively, some actions are designed as milestones to ensure timely implementation of comprehensive and resource intensive tasks. Others are designed to assist States parties in structuring their response to their commitments under the Convention.

9. In terms of format, the thematic areas are currently presented as separate standalone plans with reference to respective individual articles of the Convention and political declarations made in the past. After the Second Preparatory Meeting the draft Action Plan will undergo formatting and editorial review bringing together the overall aim and presenting a comprehensive draft Action Plan. In time and with natural progress and further achievements, specific actions may also need to be revised, such as when States Parties

[3] the Netherlands and Lebanon on general status and operation of the Convention, Ecuador and Norway on universalisation, Albania and France on stockpile destruction, Bosnia and Herzegovina and Switzerland on clearance, Australia and Mexico on victim assistance, Austria and Chile on cooperation and assistance, Belgium on transparency measures and New Zealand on national implementation measures.

[4] Reference website when online.

achieve compliance in meeting obligations under the Convention and new circumstances arise due to additional States ratifying or acceding to the Convention.

10. We look forward to the discussions during the intersessionals with the aim of informally and interactively further refining the draft and also more formally, exchanging views on how best we can collectively further strengthen the momentum among States parties and partners for the most effective and efficient implementation of the Convention in the forthcoming five-year period. This is a time period in which many States will face their respective legally stipulated deadlines on stockpile destruction and clearance of cluster munition remnants in affected areas; a time period which saw 2015 start with the announcement of continued use of cluster munitions in the Syrian Arab Republic and in Ukraine and with allegations of use in Libya and Yemen; and lastly, a time period in which States will celebrate the 10-year anniversary of the Convention on the Rights of Persons with Disabilities.[5]

I. Universalization

Background

Legal rationale

CCM Article 21, paragraph 21

Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.

CCM Article 8

Facilitation and clarification of compliance (also compliance with the norms established by the CCM).

Political rationale

Vientiane Declaration, paragraph 9

We … call on all signatories to ratify and urge States not yet party to the Convention to join as soon as possible and we condemn the use of cluster munitions that causes unacceptable harm to civilian populations and objects, by any actor. Our aim is universal adherence to the Convention.

Beirut Declaration, paragraph 7

We deplore the use of cluster munitions in recent conflicts and, indeed, we condemn the use of cluster munitions, which causes unacceptable harm to civilian population and objects, by any actor. Such acts run counter to the spirit and aim of the Convention and exacerbate the humanitarian problems already caused by prior use of these weapons. We call upon those who continue to use cluster munitions, as well as those who develop, produce, otherwise acquire, assist, encourage and induce the production, stockpiling, retention and transfer of these weapons, to cease now and join us in the task of eradicating them.

5 The Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106) was adopted on 13 December 2006 at the United Nations Headquarters in New York.

11. Status on the basis of the Vientiane Action Plan Review and as of early June 2015:

- 116 states have committed themselves to the goals of the Convention and 92 of them have become full States parties through ratification or accession, while 24 still need to ratify.
- 79 Member States of the UN are neither signatories nor State parties to the Convention

Adherence to the Convention

12. States Parties will seize opportunities in all relevant forums (e.g. Parliamentary meetings, high level bilateral meetings, regional meetings and other similar events), to engage stakeholders and promote adherence to the Convention as soon as possible. States parties will also continue outreach and engagement with States not party in all appropriate fora, including capitals, and will work with signatories to encourage prompt ratification.

13. Suggested indicator of progress overtime:

- Increasing number of States Parties to the CCM with the aim to reach 130 States Parties by the Second Review Conference.

Cooperation and Assistance on Universalization

14. States Parties commit to:

(a) Continue cooperation among themselves and with other relevant partners including international organisations and civil society to promote the universalisation of the Convention and its norms.

(b) Encourage and support States not party to join the Convention as soon as possible, including by helping States not party to find solutions to the potential obstacles and challenges they face in joining the Convention so as to facilitate their eventual adherence.

(c) Support the efforts of States not party that share the humanitarian imperative and concerns caused by cluster munitions, in participating in formal and informal meetings in order to encourage them to become States Parties to the Convention.

(d) Continue dissemination of models of legislation and support to states needing to pass legislation in order to ratify/accede to the Convention.

15. Suggested indicator of progress overtime:

- Support to national legislation provided with a focus on Africa, Asia-pacific, Eastern Europe, Latin America and Caribbean, Western Europe.

Stigmatization

16. All States Parties should continue to reinforce the stigmatization of cluster munitions and promote their non-use by

(a) Discouraging in every way possible all use, development, production, stockpiling and transfer of cluster munitions.

(b) Condemning any instances of use by any actor.

17. States Parties should also work, as appropriate, with other stakeholders, including States not party to the Convention that have condemned or otherwise expressed concern over the use of cluster munitions to achieve these goals.

Compliance

18. All States Parties to the Convention ensure compliance through bilateral discussions, the use of the good offices of the President, and any other means consistent with Article 8 to clarify and seek to resolve questions related to a matter of compliance.

19. Criteria:

- Public condemnation (official statements, requests for clarification under Art.8)

II. Stockpile destruction

Background

Legal rationale
CCM Article 3, para. 2

Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party.

CCM Article 3, para. 3

If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years.

Political rationale
Vientiane Declaration para. 12 (a), (b), (c), (d)

To achieve our goal of a world free of cluster munitions, States Parties hereby commit to:

(a) *implement* fully all of the obligations under the Convention, including ceasing the (…), stockpiling, retention (…) of cluster munitions;

(b) *accelerate* progress on (…) stockpile destruction (…) and increase the level of resources provided for these tasks so that all States Parties can fulfil their obligations within the deadlines provided under the Convention (…);

(c) *ensure* an early start to the destruction of cluster munition stockpiled in our States with the aim to avoid any extension requests;

(d) *enhance* our cooperation with international organizations and civil society to immediately accelerate efforts to rapidly advance the full implementation of the Convention, particularly in the areas of (…) stockpile destruction;

(e) *provide* timely and thorough transparency reports on all obligations under this Convention in order to identify needs potential challenges and to note and communicate progress.

Beirut Declaration para. 5:

Thus, bound by the provisions enshrined in the Convention, we, the States Parties, reaffirm our commitment to fulfil the obligations under the convention without delay.

20. Status on the basis of the VAP Review and as of early June 2015:

- 37 States Parties have reported that they have, or previously had cluster munitions stockpiles and thereby have or had obligations under Article 3.
- 14 States Parties remain with obligations under Article 3.

21. States Parties with cluster munition stockpiles should endeavour to have a plan in place as soon as possible for the destruction of stocks, including an estimated completion date, national resources to be attributed, and any requirements for international support, and begin physical destruction as soon as possible; States Parties with cluster munition stockpiles undertake to ensure that the plan is in compliance with international standards relating to the protection of public health and environment.

22. As a measure of promoting transparency and confidence building, States Parties with cluster munition stockpiles should highlight these plans in annual transparency reports and if deemed necessary, at meetings of the Convention;

23. States Parties commit to maintain transparency as an important element for the full implementation of Article 3 by providing clear information on the status and progress of stockpile destruction programmes.

24. Criteria:

- Communicate on the progress and developments of stockpile destruction programmes and needs at meetings of the Convention and in Article 7 Transparency reports.

25. States Parties are encouraged to increase exchange among States Parties and expert organisations of good and cost effective stockpile destruction practices including on safety, environmental issues and efficiency.

26. Criteria:

- Engage in a follow-up reflexion on the economy of stockpile destruction.
- Develop through the ISU a list of countries ready to share information.

27. States Parties that have fulfilled their obligations towards Article 3 are encouraged to make an official announcement of compliance at Meeting of States Parties or Review Conference of the Convention and in Article 7 Transparency reports.

28. Criteria:

- Formal announcement in meetings of the Convention and in transparency reports.
- Drafting of a template for declaration of compliance under Article 3 to be used on voluntary basis.

29. When new, previously unknown stockpiles are identified after declaration of compliance, States Parties commit to report such discoveries in meetings of the Convention and Article 7 reports, develop plans for their destruction and destroy them as a matter of urgent priority.

III. Clearance and risk reduction[6]

30. Each affected State Party subject to obligations under Article 4 will endeavour to:

[6] On the basis of the Vientiane Action Plan Review and as of early June 2015.

(a) Within two years after the Review Conference or two years after entry into force of the Convention for that State Party, take steps to promote clarity on the location, scope and extent of cluster munition remnants in areas under the state's jurisdiction or control, drawing on survey approaches (technical and non-technical) as appropriate and needed.

(b) Where contaminated land is identified, note the location, scope and extent of any contamination, allowing national authorities to make evidence-based decisions, using appropriate risk-analysis and allow for effective prioritization of ongoing clearance activities, taking into account needs, vulnerabilities as well as realities and different priorities on local and national levels.

(c) Where no confirmed evidence of contamination is found on land previously recorded and classified as contaminated, it should be released through cancellation, taking into account existing standards, best practices and principles for land release. Otherwise, only confirmed hazardous areas should be recorded.

Legal rationale:

- CCM Art. 4, para 1 a) and b) (clarity on contamination)
- CCM Art. 4, para 2a) (surveys) and 2b) (prioritisation); para 3 (IMAS)

31. Further suggestions by States Parties and possible considerations:

(a) CCM/MSP/2011/WP.4;

(b) CCM/MSP/2013/WP.1;

(c) CCM/MSP/2013/5;

(d) CCM/CONF/2015/PM.1/WP.11;

(e) Survey (t/nt) is usually key in order to get a clear picture on the contamination – this can be the base for both clearance and risk reduction => should be at beginning of actions on clearance;

(f) Element of land release, clarity on contamination and aspect of prioritization has to be there;

(g) Survey is key to successful identification of possible contamination;

(h) "Endeavour to" as formulation in order to make it clear that no new obligation / deadline is introduced (see VAP).

32. Criteria for assessment:

- 24 months after Review Conference/after entry into force.
- Clarity on contaminated land? > Art. 7 reports.
- Where applicable: Land release methods (in accordance with IMAS 07.11) applied?

33. Each affected State Party will, as soon as areas under its jurisdiction or control are known to be affected, endeavour to take all feasible measures to prevent civilian casualties by:

- Immediately developing and providing targeted/focused risk education programmes that are based primarily on an assessment of need and vulnerability and an understanding of risk-taking behaviour.
- (where appropriate) within two years after the Review Conference or two years after entry into force of the Convention for that State Party clearly marking and fencing confirmed hazardous areas and to enforce the legislation that protects the marking.

Legale rationale:

- CCM Art. 4, para 2c) and e) (fencing and risk reduction).

34. Further suggestions by States Parties and possible considerations:

(a) CCM/CONF/2015/PM.1/WP.11.

(b) Clarity on the contaminated lands to be fenced demands existence of survey results -> 2nd position.

(c) "endeavour to" as formulation in order to make it clear that no new obligation/deadline is introduced (see VAP).

(d) Rationale for the timelines: the marking and fencing has to happen immediately – the development of sustainable MRE programmes could, however, have a measurable criteria (24 months).

35. Criteria for assessment:

- No delays in marking hazardous areas.
- 24 months after Review Conference or entry into force for sustainable MRE programmes.
- All confirmed hazardous areas (> survey results)?
- Existence of risk education programmes?

36. Each affected State Party will endeavour to:

(a) Develop within three years after the Review Conference or entry into force and start the implementation of article 4-compliant national clearance strategies and plans based on survey results and clearance rates, and taking into account existing best practices, international and national standards and methods.

(b) Develop and implement national clearance plans including transparent and consistent criteria for developing clearance priorities and for utilising the most appropriate survey and clearance methodologies and technologies.

(c) Identify the national resources that could be allocated to implement plans and relevant activities and explore the need to request international assistance and cooperation from the United Nations system, donor, non-governmental organisations or other relevant entities.

Legale rationale:

- CCM Art. 4, para 2b) (national plans with priorities), para 3 (IMAS).

37. Further suggestions by States Parties and possible considerations:

- CCM/MSP/2013/WP.1 (development of national plans and standards).
- CCM/CONF/2015/PM.1/WP.11.

38. Criteria for assessment:

- Have all affected States by 2018 developed a national clearance plan or strategy? (…not necessarily implemented).
- Are the IMAS reflected in these strategies?
- Do the plans contain priorities?
- Where applicable: do national Mine Action Standards reflect IMAS and internationally recognised best practice?

39. Where appropriate and applicable, each affected State Party will endeavour to:

(a) Include affected communities in the development and implementation of national clearance plans.

(b) mainstream gender and age sensitiveness in the development of plans and programmes, as well as in the conduct of survey and other relevant activities.

(c) as far as feasible involve affected communities in all appropriate activities related to clearance and destruction of cluster munitions remnants, and to risk reduction education.

Legale rationale:

- (CCM Art.2, para 1 – definition of victims includes families and communities).

40. Further possible considerations:

- No specific milestone for "implement clearance strategies and plans" > is equivalent to implementation of Art. 4 -> 10 years (para 1 (a) and (b)).

Criteria for assessment

41. Where appropriate and applicable:

- Are affected communities consulted and included in the development and implementation of national clearance plans?
- Are affected communities consulted and involved in activities related to clearance, destruction and risk reduction?
- Are age and gender related aspects included in the strategies and plans?

42. Each affected State Party, based on functioning databases and comparable data, will record and provide information to the extent possible on the scope, extent and nature of all cluster munition contaminated areas under its jurisdiction or control, and report on an annual base precise and comprehensive information on the size and location of all previously contaminated and uncontaminated areas released.

Legale rationale:

- CCM Art. 7, para 1h) and i) (transparency on contamination).

43. Further possible considerations:

- IMAS 05.10 (information management)

44. Criteria for assessment:

- Fulfilment of Art. 7 obligations complete and comprehensive?
- Does the information management correspond to IMAS?
- Operational statistic should be disaggregated: m2 cancelled through NTS, m2 released through technical survey and m2 released through clearance (=> IMAS).

45. States Parties that have used or abandoned cluster munitions prior to the entry into force of the CCM, will endeavour to provide technical, financial, material and human resources assistance, as well as other relevant information, where available, to facilitate CM clearance, when CM are located under the control or jurisdiction of another State Party at the time of the CCM's entry into force for the latter.

Legale rationale:

- CCM Art. 4, para 4.

46. Criteria for assessment:

- Does the exchange take place (where applicable)?

47. All States Parties will:

(a) Monitor and actively promote the achievement of survey and clearance goals as well as humanitarian and developmental needs by affected States Parties.

(b) Identify possible means to cooperate and assist affected States Parties in need.

(c) When in a position to do so, will provide international cooperation and assistance either bilaterally to affected states, organisations undertaking survey and clearance, or through the United Nations and other international organisations, and non-governmental organisations, including sufficient and predictable funding, to enable affected States Parties to complete implementation of Article 4 as soon as possible and no later than their respective clearance deadlines. When funding is committed or pledged, consider the possibility of multi-year funding.

(d) Coordinate efforts in support of cluster munitions clearance in affected States Parties, with the aim of ensuring that allocation of funds is more effective at country level (bearing in mind the level of the problem, the needs and the humanitarian and development requirements); and appropriately distributed among the affected countries. Involve, as appropriate, relevant international and non-governmental organisations actively engaged in mine action.

Legale rationale:

- CCM Art. 6.

48. Further suggestions by States Parties and possible considerations:

- CCM/MSP/2013/5 (para 43 – role of donors).
- ICA is relevant for all States Parties (both affected SP and Donors).

- Experience shows that a coordination between affected States, donor states and operators on the ground is crucial ("triangle") in order to coordinate the efforts.

49. Criteria for assessment

- Implementation of Article 6 on International Cooperation and Assistance?
- Do clearance projects contain multi-year concepts / pledges?
- Is the communication between affected States, donor States and the clearance community (national authority, or IO, or civil society) established?

50. All States Parties will continue to explore methods and technologies which will allow clearance operators to work more efficiently with the right technology to achieve better results as we all strive to attain as quickly as possible the strategic goal of a world free of cluster munitions and its remnants, while also taking into consideration existing techniques and efficient ways of working.

51. Rationale:

- Further suggestions by States Parties and possible considerations:
  - CCM/MSP/2013/5 (development and use of appropriate technologies).
  - Many of the existing techniques and technologies have been refined throughout the years – a lot of work can be achieved by applying them.

52. Criteria for assessment:

- Are existing and emerging technologies and working methods taken into consideration?

IV. Victim Assistance

Background

Legal rationale:

CCM Article 5

Political rationale
Vientiane Declaration, para. 5:

We recognize the rights of cluster munition victims and State Parties' obligation to provide them with adequate age- and gender- sensitive assistance, including medical care, rehabilitation, psychological support and social and economic inclusion.

Beirut Declaration, para. 4:

At the same time, we acknowledge the challenges set out in the Beirut progress report, and we resolve to overcome these challenges, recalling commitments made by States parties under the five-year Vientiane Action Plan to (…) expand coverage of services for victims and survivors, and increase the level of resources provided for these tasks.

Beirut Declaration, para. 6:

(…) The extent to which affected communities receive the assistance they need will be a key measure of our success.

53. Status on the basis of the VAP Review and as of early June 2015:

- Since entry into force, 12 States parties have reported, or have been reported to have, obligations under Article 5.

54. States Parties with cluster munition victims in areas under their jurisdiction or control will strengthen their national capacity to provide assistance to cluster munition victims, without discrimination against those who have suffered injuries or disabilities from other causes, and accordingly, mobilizing adequate national and international resources through existing and innovative sources of financing, bearing in mind the immediate and long-term needs of cluster munition victims.

Concrete actions

55. Ensuring that the designated focal point within the government to coordinate the development, implementation, and monitoring of victim assistance policies and plans has the authority, expertise and adequate resources to carry out its task. States Parties that have not yet designated a focal point, as required by Article 5, paragraph 2, should do so by the end of 2016

56. Suggested indicator of progress overtime:

- 2 targeted states in 2016.

57. Collecting all necessary data, on an ongoing basis, disaggregated by sex and age, assessing the needs and priorities of cluster munition victims, establishing mechanisms to refer victims to existing services, and identifying any methodological gaps in the collection of data. Such data and needs assessment should be made available to all relevant stakeholders and contribute to national injury surveillance and other relevant data collection systems for use in programme planning.

58. Suggested Indicator of progress overtime:

- 2 targeted states in 2016, 2017 and 2018 with regard to assessment of needs of victims.

59. Reviewing the availability, accessibility and quality of existing services in the areas of medical care, rehabilitation and psychological support, education, economic and social inclusion, and identifying which barriers prevent access to these services for cluster munition victims. Take immediate action to increase availability and accessibility of services also in remote and rural areas so as to remove the identified barriers and to guarantee the implementation of quality services.

60. Ensuring that existing national plans for victim assistance address the needs and human rights of cluster munition victims, and are integrated into broader national policies, plans and legal frameworks related to people with similar needs, or adapt such plans accordingly. States Parties that have not yet developed such a plan should do so as soon as possible, and by no later than the end of 2018. This includes, for example:

- The integration of the implementation of the victim assistance national plans within existing coordination systems created under the Convention on the Rights of Persons with Disabilities (CRPD) or other relevant Conventions. In the absence of such mechanisms, the establishment of a comprehensive coordination mechanism, actively involving cluster munition victims and their representative organizations, as well as relevant health, rehabilitation, psychological, psycho-social services, education, employment, gender and disability rights experts.
- The development and implementation of existing international standards, guidelines and recommendations in the areas of medical care, rehabilitation and psychological

support as well as social and economic inclusion, inter alia through education, training and employment incentive programmes of persons with disabilities in both public and private sectors, as well as through the micro-crediting possibilities and best practices, recognizing in particular the vulnerability of women and children with disabilities.

61. Monitoring and evaluating the implementation of victim assistance national laws, policies, and plans, as integrated into broader national policies, plans and legal frameworks related to people with similar needs, and ensure that such frameworks do not discriminate against or among cluster munition victims and those who have suffered injuries or disabilities from other causes, and that cluster munition victims have access to specialized services when needed.

62. Raising awareness among cluster munition victims about their rights and available services, as well as within government authorities, service providers and the general public to foster respect for the rights and dignity of persons with disabilities, including cluster munition victims.

63. States Parties with cluster munitions victims will make best use of Article 7 reports and formal and informal fora to provide update on these actions.

64. States Parties with cluster munition victims in areas under their jurisdiction or control will increase the involvement of victims by:

(a) Improving the economic inclusion of victims of cluster munitions through self-employment or waged employment, as well as social protection measures. This could include, for example:

(b) The development of national capacity building programs which promote the economic inclusion of victims, their families and communities.

(c) Increasing opportunities for victims, particularly in remote and rural areas, to access appropriate employment and training initiatives, and to engage in productive work that delivers a fair income and security.

(d) Creating employer incentives that support employment of victims, while enhancing social protection measures to ensure stability during the process of gaining employment.

(e) Partners are encouraged to promote the inclusion of quotas for employment of cluster munitions victims, as well as those who have suffered injuries or disabilities from other causes.

65. Including cluster munitions victims and their representative organizations actively in policy-making and decision-making in the work under Article 5 of the convention in a manner that is gender and age sensitive, sustainable, meaningful and non-discriminatory.

66. Including relevant experts to be part of their delegations in all convention related activities (including cluster munitions victims, and representatives of disabled person's organizations).

67. Promoting and enhancing the capacity of organisations representing women, men and survivors, as well as other national organizations and institutions delivering relevant services, including financial and technical resources, leadership and management training, and exchange programmes, with a view to strengthening national ownership, the effective delivery of services, and sustainability.

68. States Parties with cluster munitions victims will make best use of Article 7 reports and formal and informal *fora* to provide update on these actions.

69. All States Parties, in support of the implementation of Article 5 will seek to:

(a) Promote further cooperation and assistance for projects relevant to cluster munition victims through existing mechanisms, as well as increasing south-south, regional and triangular cooperation.

(b) Facilitate the sharing of information among national focal points and centres, and with expert agencies, with a view to exchanging good practices.

(c) Develop, by the Second Review Conference, guidance on the implementation of Article 5 by a State Party in response to any new cluster munition victims that may occur in future in areas under their jurisdiction or control, with a view to preventing additional victims.

(d) All States Parties will make best use of Article 7 reports and formal and informal *fora* to provide update on these actions.

V. International cooperation and assistance

Legal rationale

CCM Article 6 para. 1

In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

CCM Article 6 para. 2

Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions or on a bilateral basis.

Political rationale:

Vientiane Declaration para. 3

(…) We will strengthen our efforts to raise the necessary national and international resources to overcome the remaining challenges and deliver tangible results and dividends to those individuals and communities that need continued support.

Vientiane Declaration para. 6

Affected and non-affected States need to cooperate and mobilize resources to assists victim, provide risk reduction education, clearance of cluster munition remnants and destruction of stockpiled cluster munitions.

Vientiane Declaration para. 12 (b), (d)

To achieve our goal of a world free of cluster munitions, States Parties hereby commit to:

Accelerate progress on clearance and stockpile destruction, expand the coverage of services for victims and survivors and increase the level of resources provided for these tasks so that all States Parties can fulfil their obligations within the deadlines provided under the Convention.

Enhance cooperation with international organizations and civil society to immediately accelerate efforts to rapidly advance the full implementation of the Convention, particularly in the areas of clearance, victim assistance and stockpile destruction.

Beirut Declaration para. 4

At the same time, we acknowledge the challenges set out in the Beirut progress report, and we resolve to overcome these challenges, recalling commitments made by States parties under the five-year Vientiane Action plan to progress clearance and stockpile destruction, expand coverage of services for victims and survivors, and increase the level of resources provided for these tasks.

Beirut Declaration para. 10

We acknowledge that the progress made since the First Meeting of States Parties and throughout the Oslo Process is the result of the successful partnership between States, international organizations and civil society. Preserving this partnership is a prerequisite for maintaining and furthering implementation, universalisation and the progress achieved.

Background

70. Status on the basis of the Vientiane Action Plan Review and as of early June 2015:

- Of the 16 States parties that have reported to have /or had obligations under Article 4, eight have highlighted assistance needs in clearance and/or risk reduction.
- Of the 37 States parties that have reported to have /or had obligations under Article 3, eight have highlighted assistance needs in stockpile destruction.
- Of the 12 States parties that have reported to have obligations under Article 5 on victim assistance, seven have highlighted assistance needs.

71. Each State Party seeking assistance for the fulfilment of its obligations under the Treaty, in particular Article 3, 4, 5, 7 and 9, will aim at communicating challenges and needs for cooperation and assistance for the full implementation of these obligations at the earliest stage possible in meetings of the Convention and through Article 7 reporting, and engage with States Parties, relevant expert organizations and other relevant stakeholders that may be in a position to assist in addressing these challenges.

72. Each State Party seeking assistance should ensure that requests for cooperation and assistance are based on appropriate surveys, needs assessments and analysis, including an emphasis on gender and age specific requirements, aimed at developing capacity building and clearly embedded in broader national policy and legal frameworks and consistent with international obligations.

73. Each State Party seeking cooperation and assistance to fulfil its obligations will do its utmost to demonstrate high-level national ownership in fulfilling the Convention's obligations and to this end empower and provide relevant state entities with the necessary human, financial and material capacity to implement these obligations.

74. States parties and expert organizations, including from the private sector, in a position to provide cooperation and assistance to States Parties will use all possible channels to support States Parties seeking to receive assistance and will ensure that such assistance is carried out in line with their development-related strategies and programming with the aim to provide predictability and to ensure sustainability.

75. States parties and expert organizations, including from the private sector, in a position to do so will develop, share and promote cost-effective, innovative and promising practices of cooperation and assistance and promote results-based programming with increased monitoring and evaluation and a closer and more systematic contact between the donor and recipient side as well as greater sustainability of support agreements.

76. All States parties and other partners engaged in cooperation and assistance will continue to strengthen the partnerships between affected and non-affected States Parties, among affected States Parties as well as between States Parties and experts organizations, to identify and mobilize new technical, material and financial resources and means of cooperation and assistance at all levels, from the community level to the international level.

77. All States parties seeking or in a position to provide assistance will aim to make most use of the existing tools, especially of the Article 7 reports, to present requests or offers for cooperation and assistance. Special attention should be dedicated to ensure that needs for and assistance available are clearly indicated.

VI. Transparency measures

Background

Legal rationale:

CCM Article 7

Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, (…).

The information provided in accordance with paragraph 1 of this Article shall be updated by States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

Political rationale:

Vientiane Declaration para. 12(e):

To achieve our goal of a world free of cluster munitions, States Parties hereby commit to (…) *provide* timely and thorough transparency reports on all obligations under this Convention in order to identify needs, potential challenges and to note and communicate progress.

78. Status on the basis of the VAP Review and as of early June 2015:

- 67 initial transparency reports of the required 84 have been received (as of 3 June 2015).
- One State party has submitted its initial and annual transparency report in advance of the CCM's deadline.
- 17 States parties have yet to submit their initial Article 7 transparency report.
- 56 States parties of the required 84 have submitted one or more annual report.
- 28 States parties have yet to submit one or more annual Article 7 transparency reports.

79. States Parties will fulfil their obligation to provide initial transparency reports under Article 7 within the timeframe stated by the Convention, especially as the initial reports are key for establishing the benchmark against which progress will be measured.

80. Indicators of progress overtime:

- In 2016, all 17 States Parties that have to submit their initial report fulfil this obligation.
- All new States Parties to the CCM fulfil this obligation in due course.

81. Taking full advantage of the flexibility of the reporting process, States Parties will fulfil their obligation to provide annual transparency reports, maximizing its potential as a tool for assistance and cooperation in implementation, particularly in cases where States Parties must take action to destroy stockpiled cluster munitions, clear cluster munitions remnants and in assisting victims or in taking legal and other measures referred to in Article 9.

82. Indicators of progress overtime:

- In 2016, all States Parties that have to submit their annual report fulfil this obligation.
- States Parties facing challenges in providing annual transparency report seek assistance in meetings as well as to relevant international organizations.

83. States Parties will use formal and informal fora to provide updates on the implementation of provisions of the Convention, ensuring that updates are clearly reflected in formal annual transparency reports and in promoting these reports as practical tools for cooperation and assistance; including detailed information on time-bound plans towards treaty compliance, with special emphasis regarding obligations under Articles 3, 4 and 5.

84. Criteria:

- Use of the reporting guide that reflects the actual need for qualitative information and represents a useful tool for States parties to submit initial reports and annual updates.

VII. National Implementation Measures

Background

Legal rationale:
CCM Article 9

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Political rationale:

2011 Beirut declaration § 5

Thus, bound by the provisions enshrined in the convention, we, States Parties, reaffirm our commitment to fulfil the obligations under the Convention without delay.

85. Status on the basis of the Vientiane Action Plan Review and as of early June 2015:

- 53 per cent of all States parties, e.g. 37 States parties, have adopted legislation specifically aimed at the implementation of the Convention or have indicated that their existing laws and regulations are sufficient to implement it.

- 21 per cent, e.g. 20 States parties, have reported that they are currently in the process of adopting legislation and other implementing measures.
- A number of States parties have not yet shared detailed information on their implementation of the Convention in this area either through their initial and/or annual transparency reports or at formal and informal meetings.

86. States Parties that have not yet done so will, as a matter of priority, review existing national legislation to ensure that they have appropriate measures in place to fully implement the Convention. Where necessary, States Parties will prioritise the development and adoption of new comprehensive legislative, administrative or other implementing measures in accordance with Article 9. With the aim to share good practice and lessons learnt and as a measure of transparency, States Parties will share information on any reviews as well as on the content and application of implementing measures in their annual transparency reports and at meetings of the Convention.

87. Suggested indicators of progress overtime:

- By the end of 2017: all States Parties that have reported being in the process of adopting legislation and other implementing measures provide updates in Article 7 report and meetings of the Convention.
- From 2018: all States Parties are in, or have identified and reported on concrete steps to achieve, compliance with Article 9 and new States Parties consider the implementation of Article 9 as a matter of priority.

88. States Parties are encouraged to highlight factors and challenges that may be preventing progress in the revision/adoption of national legislation in transparency reports and at meetings of the Convention. In instances when assistance would be welcomed in the development/revision of implementing measures, States Parties will make their needs known to States Parties, the Implementation Support Unit, the ICRC or other relevant actors.

89. All States Parties will, as a matter of priority, take steps to increase awareness among all relevant stakeholders of obligations under the Convention, and of their national implementation measures. In particular, States Parties will ensure that the obligations of the Convention and their national implementation measures are disseminated to their armed forces and, as necessary, reflected in military doctrine, policies and training. States parties are encouraged to report on progress in this area in their Article 7 reports and to meetings of the Convention.